

EXAMINER'S AMENDMENT

Applicant's election without traverse of Group I, claims 1, 3, 5-10, 12-17, 19-21, 23-30 and the species corresponding to Formula (A*) in the reply filed on 6/22/09 is acknowledged.

Claims 13-17, 31, 32, 34-36, and 38-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/22/09. Note that, the non-elected claims have been canceled.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mervin Wood on October 21, 2009.

The application has been amended as follows:

The Abstract:

In the Abstract filed 6/22/09, in line 17, delete the text beginning with "The stabilized..." and ending with and including the text "...textile-care products" in line 19.

The Claims:

In claim 3, line 1, delete "composition according to claim 1 in which the compounds of component (b) are selected from compounds of formulae A* and B*" and

Art Unit: 1796

insert – stabilized composition comprising (a) lipstick, rouge, eyeshadow or mascara, (b) from about 5 to about 10000 ppm based on the total formulation of a least one compound of formulae A* --.

In claim 3, delete all text on line 4 (i.e., molecular formula for B*).

In claim 3, line 52, delete the text beginning with “in formula...” and ending with including the text “...benzenetetrayl,” on line 74.

In claim 3, line 221, after “anions j” insert -- ; and (c) an organic UV filter selected from (c₁) dibenzoylmethane derivatives --.

In claim 5, line 1, delete “wherein the compounds of component (b) are of formulae A* and B*,”.

In claim 5, line 5, delete “in formula A*”.

In claim 5, line 18, delete the text beginning with “in formula B*...” and ending with and including the text “...-NHCONH” in line 30.

In claim 6, line 1, delete “where the compounds of component (b) are of formulae A* and B*,”.

In claim 6, line 5, delete “in formula A*,”.

In claim 6, line 12, delete the text beginning with “in formula B*,...” and ending with and including the text “...1 to 8 carbon atoms” in line 16.

In claim 7, line 4, delete “1-hydroxy-2,2,6,6-tetramethyl-4-acetoxypiperidinium citrate;”.

In claim 9, line 25, before “tetrakis(1-hydroxy-2,2,6,6-tetramethyl-4-hydroxypiperidinium)EDTA” insert – and --.

In claim 9, line 25, after "tetrakis(1-hydroxy-2,2,6,6-tetramethyl-4-hydroxypiperidinium)EDTA" delete ",".

In claim 9, line 26, delete the text beginning with "1-hydroxy-2,2,6,6-tetramethyl-4-acetoxypiperidinium citrate;..." and ending with and including the text "...tetrakis(1-hydroxy-2,2,6,6-tetramethyl-4-acetoxypiperidinium)EDTA" in line 33.

In claim 21, line 1 delete "1" and insert – 3 --.

Cancel claims 1, 20, and 24-30.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Note that, Applicant's Amendments, Applicant's arguments, the Examiner's Amendment, and the terminal disclaimer are sufficient to place the instant claims in condition for allowance. Further, note that, all non-elected species have been canceled. Of the references of record, the most pertinent is Seltzer et al (US 6,524,724). Seltzer et al teach pulps or papers, especially chemimechanical pulps or papers, which still contain lignin, have enhanced resistance to yellowing when they contain an effective stabilizing amount of a hindered amine compound. This performance is enhanced by a coadditive such a UV absorber, etc. However, Seltzer et al do not teach or suggest a composition containing the specific combination of a lipstick, mascara, eyeshadow, or rouge composition and the specific amine compound in the specific amounts as recited by the instant claims.

Art Unit: 1796

None of the references of record, alone or in combination, teach or suggest a composition containing the specific combination of a lipstick, mascara, eyeshadow, or rouge composition and the specific amine compound in the specific amounts as recited by the instant claims. Accordingly, since the prior art of record, fails to teach or suggest such a composition as recited by the instant claims, the instant claims are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

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/Gregory R. Del Cotto/
Primary Examiner, Art Unit 1796

/G. R. D./
October 24, 2009